

EXHIBIT NO. 1**LEGAL SERVICES OF NORTHERN VIRGINIA, INC.**

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11-12-02

The Honorable Kerry Donley, Mayor  
Members of the Alexandria City Council  
City of Alexandria  
301 King Street  
Alexandria, Virginia 22314

November 12, 2002

Dear Mayor Donley and Members of City Council:

This letter is submitted for your consideration of City Council's discussion of Item #15 of tonight's docket----Discussion of the Possible Reduction in the Size of the *Alexandria Redevelopment and Housing Authority (ARHA) Board of Commissioners*.

I am currently the managing attorney at the Alexandria office of Legal Services of Northern Virginia, as well as a city resident and Chairperson of the *Alexandria Landlord and Tenant Relations Board*. In all of these positions, I have regular contact with ARHA's tenants. Many of these residents are either low-income, elderly or disabled individuals and families who have little to no opportunity to voice their concerns except through representatives such as myself.

The *Landlord and Tenant Relations Board* currently has a designated representative to the Board of Commissioners which is one of two positions added on February 27, 1990. The other position added at that time was a representative from the Alexandria Resident Council (ARC).

I believe it would be counter-productive to eliminate two positions from this board membership. Should Council determine that such a move is necessary, I would encourage Council to retain the ARC and Landlord and Tenant Relations Board seat. It is critically important that the Landlord and Tenant Relations Board continue its work with ARHA and that Board be able to monitor and influence the activities of the ARHA Board. ARHA's policies and programs have a direct and substantial impact on the lives of some of the most vulnerable tenants in the City of Alexandria and must continue to be monitored on their behalf.

Thank you for your consideration of these comments.

Sincerely,

  
Sylvia M. Brennan  
Managing Attorney

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11-12-02**ROUGH DRAFT**

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA**  
**Regular Meeting — November 12, 2002**  
**Partial Verbatim**  
**DOCKET ITEM #15**

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15. Discussion of the Possible Reduction in the Size of the Alexandria Redevelopment and Housing Authority Board of Commissioners.

Mayor: Okay. Last, last year as part of our legislative package, we did receive the approval to reduce the, or at least the, the authority to reduce the members, membership of the Alexandria Redevelopment and Housing Authority from, from nine to seven members. At one of our recent legislative meetings, we did have a number of appointments that were up. Council decided to defer action on those appointments pending discussion tonight on whether or, whether and how to reduce the membership from, from seven to nine, or, I'm sorry, from nine to seven members, and so that's the, the discussion we'll have tonight. I think a couple of options that, that are available to us would be to, to go ahead and, and process the applications that are pending since, since we did duly advertise those and, and people did apply. I mean that's one option, and then somehow communicate our desire to, to reduce the, the number ultimately to seven, and then have a discussion about how to do that. Whether we do that through attrition, whether we do that through, you know, one possibility might be to request resignations from everyone and then, and then go through an entire reappointment process. Certainly, you know, current members would be eligible to, to apply. We did receive a letter from Legal Services of Northern Virginia, from Sylvia Brennan, you know, at least expressing her sentiment that, that we not reduce the members, and if we do, that we should retain the ARC and the landlord-tenant relations board-designated seat. So, it's up for our discussion. Any comments?

Woodson: Yes, Mr. Mayor.

Mayor: Ms. Woodson.

Woodson: Thank you. I think, let me just address a couple of the things that you, that you mentioned. One, the idea of asking for everyone's resignation where certainly facilitates this sends a message that perhaps we're questioning their ability, and I'm not so certain that it doesn't come across as a vote of no confidence which is not what I intend, and I would hope that it's not what this Council intends, but I could see where the perception might be a vote of no confidence. That worries

me because I think they have a very big job that they are currently undertaking. It will not be over any time soon, and they don't really need that level of negative publicity, if you will.

Mayor: I would agree.

Woodson: So that worries me. The second point that you brought up. This is an opportunity to eliminate two positions that don't represent anybody. They don't represent a, a landlord-tenant body. They don't represent the tenant association body. They don't represent a body. They are at-large. That doesn't happen again, I don't think it happens again at the same time until these two people are up again. They're, the next one that's available is in a year, and then I think there's another one available six months thereafter. So, it is possible that next year we could eliminate one, but then you have a, a board that has an even number, and we'd have to wait. Or perhaps at that time, we could eliminate that but, that position, but allow it to extend until the next one comes up. I just question the value in that. I mean, if, if ultimately that's what we're going to do, then why are we doing it in, in a convoluted way when we have two at-large positions available today. So, the real question isn't whether we do it in some other way, but, in my opinion, whether we do it at all. And I'd like to hear my colleagues' opinion about whether we do it at all.

Mayor: Comments? Mr. Speck.

Speck: Mr. Mayor, I think some good points, particularly about what, whether this would be perceived in some way as a message from Council that is not intended, particularly at a time when there's some fairly significant negotiations taking place. When we pursued the, the General Assembly authorization for this, I mean, it was with the clear desire to reduce the size of the board, and I, the conversations I've even had with some of the commissioners is that's not something they necessarily object to. A nine-member board can be perhaps a little more unwieldy or larger than desired. So, I mean, I think there's, there's sort of two levels to this decision. One is, is that something that we think we want to do. That we want to in fact pursue implementing the legislation that requested the authority to do. And then the real, the more, in its own way, more difficult question is when do you do it? Because whenever you do it, you're going to be addressing issues not dissimilar to this in which you have vacancies. People may or may not apply and then you're making a decision as to whether you're going to make the appointments. The issue also, and we may disagree on this, is that I'm not, nor have I ever been wildly enthusiastic about designated seats because I think it removes the Council from the decision-making process. However, I think it is important to have a tenant representative on the board. So there, you know I, I haven't quite figured out how to mesh those, those two issues. If we were not to

make these two appointments, the only thing that I think would make any sense at all would be to continue the board, it sort of frees everything as it is now, have this board as it currently exists continue while we in fact reconstitute the board and reappointment, which would include probably most of the current members, but obviously if you going from nine to seven, somebody would not get reappointed, if that's what you were –

Mayor: Assuming everybody applied.

Speck: Right. And so the, the first issue is, do we want to go forward with a seven-member commission. I mean, is that something we think makes sense, and if so, then maybe this is the right time to do it and maybe it isn't, but we probably ought to somehow or another signal that that's our intent. I thought we had before –

?? That's what I thought.

Speck: – and, and now we're just trying to figure out how to do it.

Mayor: All right. And I, I think that, that a seven-member board is, is probably advantageous and would like to see us move in that direction. You know, it is fewer people. I think it actually works more efficiently, particularly when, when you know they're undertaking a, a major project like the redevelopment of, of the Samuel Madden Homes tract. And we know that those, that there are going to be other issues similar to that that are going to come up as, as well. So, you know, we've got a couple of, of options that are available to us. I do want to, want to ask a question of the city attorney. The procedure that was outlined by Mr. Speck, is that something that is, is doable given the fact that we have made appointments and those appointments have prescribed terms and expirations, expiration dates to those terms.

Pessoa: And, and you're referring to restructuring the board?

Mayor: Yeah.

Pessoa: I think as part of the, exercising this new authority, if Council wanted to restructure the board and, and in essence create a new board, that that would be within the scope of the new authority.

Mayor: Okay. So, so, we could use –

Pessoa: The answer would be yes. We could if you wanted to pursue that.

Mayor: We could use, use a mechanism as, as described by Mr., by Mr. Speck. One of the other options would be, you know, not to, not to make these, these appointments that are, that are pending. Other comments? Other sentiments by, by Council?

Woodson: Well, hearing none.

Mayor: Not very talkative yet but – I'm sorry. Ms. Eberwein?

Eberwein: I have no problem with having served on nine and seven-member boards I think that it is more workable with seven, so I have no problem with lessening the size. I guess the second part of the question is when and how, and I am more comfortable with attrition. It's, rather than appointing new members, I would be more comfortable with reappointing those who are on the board and wish to, to continue serving, assuming they get support from the Council, and just don't fill vacant slots as they become available. It seems to me that allows some continuity in the board. This is a pretty difficult period, and I think that that to me is fairer than just saying let's wipe it out and reappoint people with seven slots. That's my personal feeling on that.

Speck: Excuse me. Let me –

Eberwein: Designated seats I don't have really a lot of opinion about that. I mean, if, if there is a proposal on the table to not have them but then still have a tenant representative, I'd like to know, is that, it seems to me that sort of not having any other designated seats but having one designated seat, and I don't have an objection to that whatsoever. I don't know if that's what you're proposing.

Speck: Well.

Mayor: Mr. Speck.

Speck: Let me ask for a clarification. Are you suggesting possibly not making the appointments of these two seats right now as, as one approach?

Eberwein: One of them is essentially an open seat.

Speck: Right.

Eberwein: And one is a re-application. I'm comfortable doing the re-application and not doing the open seat, and then if there's another open seat that becomes available where a current board member decides not to apply, that would be your next slot that would take it down to seven. It takes a year.

Mayor: And, but then we would have, we would have at least a year where there'd be eight members on the board.

Eberwein: Yes, and I don't see that that would be a problem. You know, if the motion splits, it fails. If you have a four-four vote, that just, we've certainly operated up here with six folks, and my understanding is that in the past ARHA has operated many times with six or eight members. So that to me is a procedural issue. If you want a motion on the floor and you've got eight people and they split, it fails.

Mayor: Okay. Other comments or does someone have a motion they want to put forward here and then we'll see how that fairs and then we'll move on.

Woodson: I'd like to make a motion but I think that I'd also like to make a comment. Having eight as a policy that we're embracing is different than having eight show up one night which is a happenstance. I don't think that it's a good policy to have a board that has an even number because you are setting yourself up for problems.

Mayor: I've seen that once or twice before.

Woodson: You have? Amazing to me. I would like to make a motion that this Council agree to reduce the number of seats on the ARHA board from nine to seven.

Mayor: Motion by Ms. Woodson, seconded by Mrs. Pepper to reduce the size. Now, now, this is a motion to reduce the size. It does not address how. Is there any further discussion? All those in favor say aye; those opposed, no. That, that motion does pass, pass unanimously. Now, let's get to the hows. The, Mr. Speck.

Speck: Let me try this out. What if we go ahead and make these two appointments but indicate that prior to this Council adjourning at the end of June that we reconstitute, in other words, finish the Samuel Madden stuff. Reconstitute the commission and reappoint seven new commissioners before June 30<sup>th</sup>.

Mayor: Motion by Mr. —

Speck: Which, which, let me just, would imply that we will at some point ask for the resignations of all commissioners so that we can then reappoint a new seven-member commission.

Mayor: We have a motion by, by Mr. Speck to, to go ahead and proceed with the, with the pending appointments and no later than June of 2003 vote to reconstitute the board, essentially requesting the resignations of the current board members. However, everybody would be eligible to reapply, and it may be that you'd only

get seven folks to reapply as a possibility. Now, that, that's a motion by Mr. Speck. Is there a second?

Eberwein: Second for purposes of discussion.

Mayor: We have a second for purposes of discussion by Ms. Eberwein. Is there any discussion?

Pepper: Mr. Mayor, I guess the problem I have with that is that I think it gives the wrong message to those who are serving. It's asking them to resign as if, you know, there is some problem with them. Even though we spell it out. I just don't think that that's the way to go.

Mayor: And what, what is your suggestion?

Pepper: Well, I don't have a good answer, but I think that what we should do, is embarrassing as it is to have advertised this position, I think we should just not fill these two seats now.

Speck: And I'd say that, that what –

Pepper: Not that that's a good solution.

Speck: What concerns me is that one of the people that would not then be reappointed is someone who's been very actively involved in the Samuel Madden discussions and I think we lose some talent.

Pepper: Got to agree with that.

Speck: And I think if you're, I mean I think it has to be presented in, in a constructive way, but if you, if you finish the Samuel Madden stuff with a nine-member board and then indicate that we intend to reconstitute the board as a seven-member, that we have a chance to then determine how we want to have those representatives designated and, you know, what, what positions, if any, we want to establish. And we don't get into the position of having to just manage this by attrition.

Woodson: I'd like to offer a friendly amendment to Mr. Speck's motion.

Speck: Don't you know I'm a friendly guy?

Woodson: 'Cause he's a friendly-type guy. Anyway,

Mayor: A precipice of change there.

Woodson: Yes, absolutely. My amendment would be that we, that since there seems to be some level of anxiety over this process that instead of asking everyone to submit their resignation at the end of June, that we appoint these two people for that period, and at the end of June those two seats would expire. So that they would be appointed for a period of seven months, or whatever that it, seven, eight months.

Speck: I'm not sure we can even do that.

Mayor: We might have a problem there because I think the code indicates that, that we make these appointments for a prescribed term, and is that –

Woodson: And the prescribed term has to be four years?

Mayor: Well, I think it's set in the, in the code.

Pessoa: I mean the appointment would be for the prescribed term. You could, I suppose, indicate that at the time you restructure the board, the two most recent appointees to the board would be the ones who would no longer be members of the board, and therefore when you do the ordinance to change from nine to seven, you could as part of that ordinance curtail these, you know, the terms of these two newly appointed members.- So, in essence you, you would be making the, the appointment for the prescribed term but giving everyone notice that your intention when you come back with an ordinance would be to curtail these terms at whatever period you select.

Mayor: June 30, that's the –

Pessoa: June 30.

Mayor: Okay. I will consider that a substitute motion by, by Ms. Woodson. Is there a second to the substitute motion?

Woodson: And, and let me just add to this substitute motion, just a point of clarification. And perhaps it makes more sense to simply delay this decision effect until that point. So, in fact we don't appoint anybody, we just extend the existing – well, may I ask a member of the audience a question?

Mayor: Sure.

Woodson: Mr. Miller, do, do we have a, we have an appointment coming up this winter, or is it not until next fall? Because it's my recollection that it's not until next fall and then again in the winter of 2004. Okay, that's correct. We have that here. So,



that being the case, perhaps we can simply delay the effect of our decision changing the numbers from nine to seven until the end of this legislative session. Which affects the same thing. We simply extend the existing appointments until that time. Not interested in that. Okay.

Mayor: So, in essence, I, I've got my eye on the city attorney, in essence what we would do is just extend the expiration dates of the, of the folks who are, who are serving presently until the –

Woodson: Yes.

Mayor: – of the folks who are serving presently until the end of, of –

Pessoa: Well, well, remember that under the, under the code, the, the person who is serving as a member and wants to continue, continues to serve until his appointment is appointed and qualified. So that one certainly is entitled to continue to serve if you don't fill that slot. The other one, the other member who was not, as I understanding it, seeking reappointment, you know, can leave. I mean, we can't obviously compel continued service.

Mayor: But then you've get –

Pessoa: But then you end up with an eight-member board.

Mayor: Then you get the eight-member body which is, which is again problematic as well. Again, we'll move to, we'll go to, to the substitute motion. Is there a second to the substitute motion?

Woodson: I withdraw it.

Mayor: Okay. That's been withdrawn. We'll now move to the main motion which is by Mr. Speck, and the question will go to Ms. Eberwein.

Eberwein: Yeah, Mr. Speck made the point that all of the, the recent activity that we're involved with at ARHA should be over by June.

Speck: As far as Samuel Madden is concerned.

Eberwein: All right. I know, I know, we've got some February dates. I know we have some other things, but I'm thinking that construction and things like that aren't necessarily going to be over so there's a lot of continuing – Well, you're not going to have all that construction done by – No, I didn't think so.

Speck: The major legal decisions will have been made.

Eberwein: The major legal decisions. I just want to make it very clear that I didn't think they were, it enveloped everything that was involved. It doesn't seem like there's support for doing it via attrition which would be my preferred way, so I am comfortable with, as an alternative, Mr. Speck's motion. So, I'm, I'm willing to support it just to put that on the table.

Mayor: I'm, I'm going to support Mr. Speck's motion because I think it's a cleaner way to get to our desired number of seven while still maintaining the option of, of continuity both during the, the coming months, but also in the reconstituted board. We do have a motion and a second. Is there any further discussion?

Woodson: I would like to have the motion restated, please.

Mayor: Mr. Speck, do you want to try to go through that one again?

Pepper: If you can.

Speck: We are going to make these two appointments – are we able to do that tonight?

Pessoa: There, I mean, the, we had said we were going to put this off, the actual decision, til December when we had the ordinance before you.

Speck: – that we make those two appointments, and that prior to this Council adjourning in June – so we'll have to work on a schedule for this – that we consider the, reconstituting the board to seven member[s], and we're going to have to talk about exactly what that will be and, and reappoint a new seven-member board prior to June 30, '03.

Mayor: Okay. And that's acceptable to the seconder, I think, the restatement. Ms. Eberwein?

Eberwein: Yes, and, I'm, there is nothing in there about designated seats or lack thereof, so –

Speck: Well, we'll have to talk about that.

Eberwein: We'll talk about that –

Mayor: He did indicate, indicate that we will discuss that.

Eberwein: – in June. Okay.

Mayor: We have a motion and a second. Is there any further discussion? All those in favor say aye; those opposed, no. That motion carries on a vote of 4-to-3.

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